

12-27-1999

California Tobacco Litigation Settlement Funds. Restricting Use To Designated Health Programs.

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ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired Only
1-800-833-8683
e-mail: comments@ss.ca.gov

BILL JONES
Secretary of State
State of California

February 11, 2000

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (00050)

FROM:

Joanna Southard
JOANNA SOUTHARD
ELECTIONS ANALYST

RECEIVED

FEB 17 2000

SUBJECT: WITHDRAWAL OF INITIATIVE #871

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The proponent of the hereinafter named proposed Initiative Statute has withdrawn the measure from circulation.

TITLE: CALIFORNIA TOBACCO LITIGATION SETTLEMENT FUNDS. RESTRICTING USE TO DESIGNATED HEALTH PROGRAMS. INITIATIVE STATUTE.

SUMMARY DATE: December 27, 1999

PROPONENTS: Jim Gonzalez
Robert W. Harris

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December 27, 1999

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99317)

FROM:


JOANNA M. SOUTHARD
ELECTIONS ANALYST

SUBJECT: INITIATIVE #871

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**CALIFORNIA TOBACCO LITIGATION SETTLEMENT FUNDS.
RESTRICTING USE TO DESIGNATED HEALTH PROGRAMS.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Jim Gonzalez
Robert W. Harris
JG & Associates
1121 "L" Street, Suite 908
Sacramento, CA 95814
(916) 449-6190

#871
CALIFORNIA TOBACCO LITIGATION SETTLEMENT FUNDS.
RESTRICTING USE TO DESIGNATED HEALTH PROGRAMS.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Monday, 12/27/99
Elections Code section (EC§) 336
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Monday, 12/27/99
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Thursday, 5/25/00
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Wednesday, 6/7/00

(If the Proponent files the petition with the county on a date prior to 5/25/00 the
county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Friday, 6/16/00*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)) Monday, 7/31/00

* Date varies based on receipt of county certification.

INITIATIVE #871

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 6/16/00 the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 461,003 or less than 398,139 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,139 and 461,003 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) Thursday, 8/10/00**
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)). Friday, 9/22/00

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 8/10/00, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Tuesday, 9/26/00**

** Date varies based upon receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 9442
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

December 27, 1999

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: CALIFORNIA TOBACCO LITIGATION SETTLEMENT
FUNDS. RESTRICTING USE TO DESIGNATED HEALTH
PROGRAMS. INITIATIVE STATUTE.
FILE NO: SA1999RF0058

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponents of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of service.

Sincerely,

A handwritten signature in cursive script that reads "Diane Calkins".

DIANE CALKINS
Initiative Coordinator

For BILL LOCKYER
Attorney General

DC:tk
Enclosures

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CALIFORNIA TOBACCO LITIGATION SETTLEMENT FUNDS. RESTRICTING USE TO DESIGNATED HEALTH PROGRAMS. INITIATIVE STATUTE. Creates the "Tobacco Settlement Fund" in State Treasury and, effective 1/1/2001, requires deposit in that Fund of California's share of monies received from the 1998 national tobacco litigation settlement.

Further provides that 20% of the annual amount received shall be appropriated to tobacco use cessation programs, 60% to expand access to health care services, and 20% to a grant program administered by the State Department of Health Services for the purpose of expanding programs of primary care clinics, with designated portion for tobacco prevention and cessation programs.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure will result in a General Fund revenue loss, and a corresponding state special fund revenue gain, ranging from \$442 million to \$536 million annually (plus inflation adjustments).



Jim Gonzalez & Associates, LLC

SA 1999 RF 0058
Amdt. # 1-S

RECEIVED
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November 7, 1999

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Diane Calkins, Initiative Coordinator
Office of the Attorney General of California
1300 I Street, #125
P.O. Box 944255
Sacramento, CA 94244-2550

HAND DELIVERED

Dear Ms. Calkins:

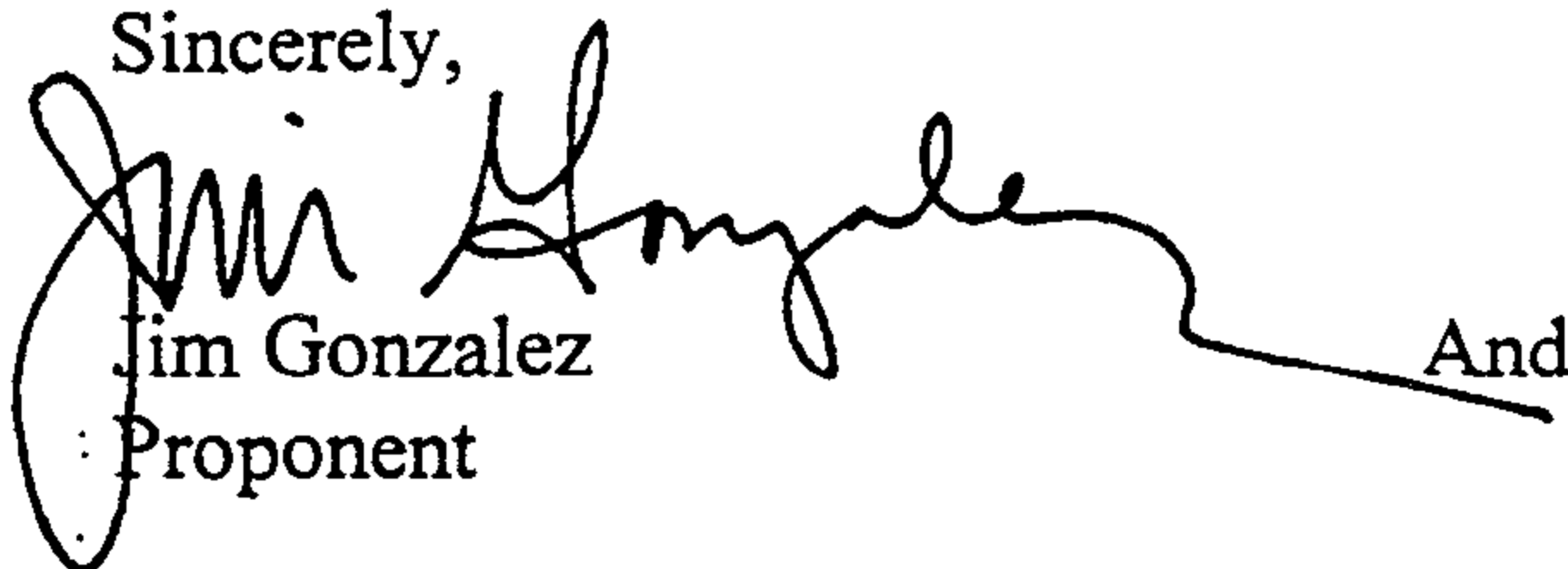
Pursuant to our phone conversation of today, this is a formal request to your office for a title and summary of the attached amended initiative entitled: *The Tobacco Treatment and Health Care Act*.

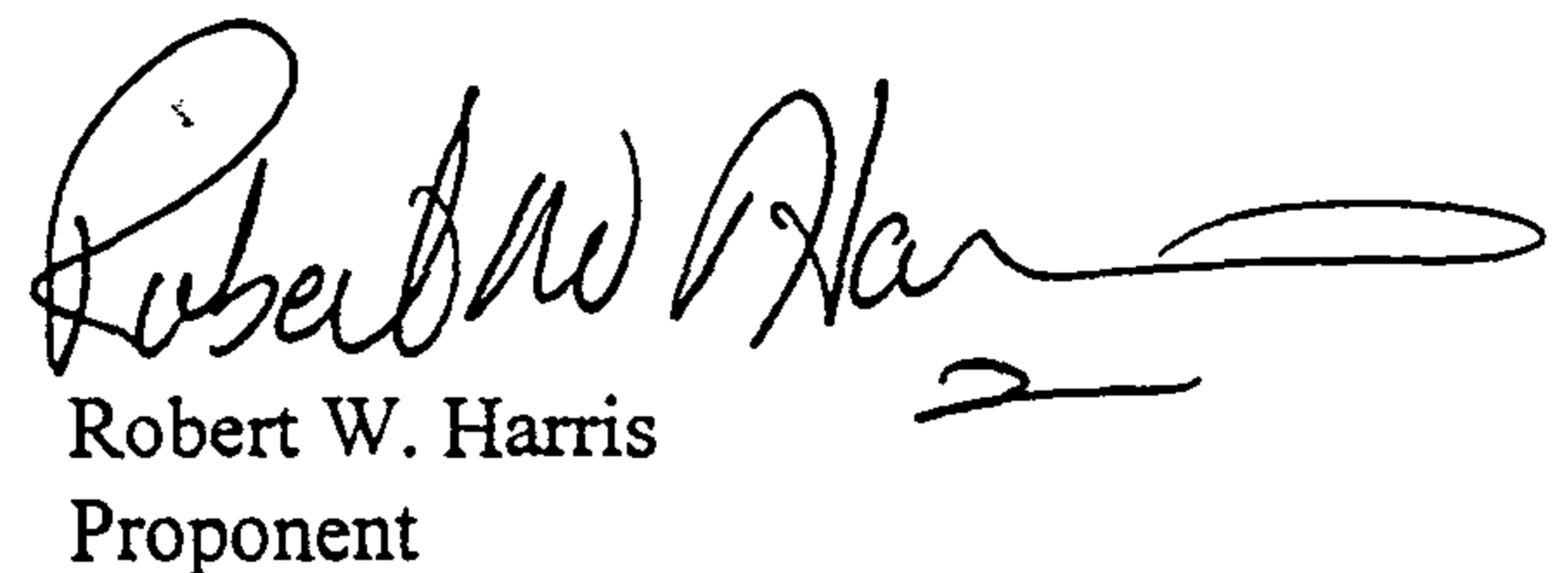
Two changes in the text of the initiative are intended to clarify that: 1) Only tobacco litigation Master Settlement Agreement funds received on or after January 1, 2001, shall be deposited in the Tobacco Settlement Fund; and, 2) The Secretary of the California Health and Human Services Agency is responsible for recommending and approving tobacco use cessation programs.

The changes are in the second sentence of Section 104485., Subsection (a) and in the first sentence of Section 104485., subsection (c), (1).

If you have any questions regarding these amendments, please contact us at (916) 449-6190.
Thank you kindly for your prompt attention to this request.

Sincerely,


Jim Gonzalez And
Proponent


Robert W. Harris
Proponent

Attachments - 1

**The Tobacco Treatment and Health Care Act
Initiative Text -- Amended November 8, 1999**

The Tobacco Treatment and Health Care Act

An act to utilize the state's share of proceeds of the national tobacco lawsuit settlement for smoking cessation programs, health care services for former smokers, and other health care services, by adding Article 1.3 (commencing with Section 104485) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to health care.

SECTION 1. Findings and declarations.

The voters of the State of California hereby find and declare:

- (a) The use of tobacco products has increased California's health care costs and reduced the healthcare delivery system's ability to provide high quality health care for Californians;
- (b) The continued use of tobacco products by teenage and adult Californians will further erode the quality of health care delivery;
- (c) Lower-income Californians tend to use tobacco products with more frequency and have less access to health care;
- (d) The tobacco litigation Master Settlement Agreement of 1998 provides funds California should use to offset tobacco's negative impacts on the healthcare delivery system;
- (e) Therefore, the voters of the State of California declare that the state portion of all funds received from the tobacco litigation Master Settlement Agreement of 1998 will be placed in a special account to be used to improve California's healthcare delivery system.

SECTION 2. Purpose and intent.

By enacting this section, the People of California intend that:

- (a) Tobacco settlement money should be used to treat tobacco-related illnesses and to provide better access to health care for all Californians;
- (b) The state of California shall make a major commitment to smoking cessation programs which will result in reduced tobacco use and concomitant reductions in tobacco-related illnesses;
- (c) Health care services should be provided for people made ill by tobacco, and California should expand the reach of health care for persons deprived of adequate care in part due to the high costs of treating tobacco related illnesses in previous years;
- (d) The state share of funds from the tobacco litigation Master Settlement Agreement should not be used to supplant existing health care programs and funding mechanisms but to expand them; and,

**The Tobacco Treatment and Health Care Act
Initiative Text -- Amended November 8, 1999**

- (e) The legislature is best able to account for changing demographics and tobacco use patterns by designating annual appropriations from these funds.

SECTION 3. Article 1.3 (commencing with Section 104485) is added to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 1.3. Tobacco Settlement Fund.

104485. (a) The Tobacco Settlement Fund is hereby created in the State Treasury. The state share of all funds from the tobacco litigation Master Settlement Agreement of 1998, received on or after January 1, 2001, shall be deposited in the Tobacco Settlement Fund. For the purposes of this subdivision, the state share of such funds shall consist of that portion of payments from the Master Settlement Agreement designated for use by the State of California, and not those funds designated for distribution to the counties of California.

- (b) Within 30 days of the receipt of any monies into the Tobacco Settlement Fund, the Office of the Legislative Analyst shall publicly announce the total amount received, and the total amounts available for distribution in the next calendar year, or other appropriate time period, to each of the purposes set forth in this article.
- (c) Distribution of funds from the Tobacco Settlement Fund shall be made by annual appropriation of the legislature, within the guidelines of this article. The legislature shall annually appropriate all funds from the Tobacco Settlement Fund according to the following formula:
- (1) Twenty percent of the annual amount received by the fund shall be appropriated to tobacco use cessation programs recommended and approved by the Secretary of the California Health and Human Services Agency for teenagers and adults needing such services. Such programs shall include, but not be limited to: payments for nicotine and non-nicotine therapies, substitution programs, and maintenance regimens; counseling services; necessary health services for individual tobacco users participating in cessation programs, which are not otherwise covered by private or public health insurance programs; and aggressive outreach and recruitment programs informing tobacco users of the availability of such services at minimal or no cost to individuals. Funds appropriated according to this subdivision shall not be used to supplant or replace payments that would otherwise be covered by private or public health insurance programs.

**The Tobacco Treatment and Health Care Act
Initiative Text -- Amended November 8, 1999**

- (2) Sixty percent of the annual amount received by the fund shall be appropriated for the purpose of expanding access to health care services. Such services shall include, but not be limited to: basic health care services for uninsured children and adults; immunization programs; prescription medication coverage for senior citizens; and provision of innovative treatments for chronic diseases correlated with tobacco use. Funds appropriated according to this subdivision shall not be used to supplant or replace payments that would otherwise be covered by private or public health insurance programs.
 - (3) Twenty percent of the annual amount received by the fund shall be appropriated to a grant program administered by the State Department of Health Services for the purpose of expanding programs in primary care clinics that are licensed and certified under paragraph (1) of subdivision (a) of Section 1204, or are exempt from licensure under subdivision (c) of Section 1206. At least thirty-five percent of the funds awarded according to this subdivision to each primary care clinic shall be designated for use in providing smoking prevention and cessation health education programs and treating patients with diseases correlated with tobacco use. All grants made pursuant to this subdivision shall be made only for services for which payment will not be made through any private or public third-party reimbursement.
- (d) Funds expended pursuant to this section shall be used to supplement existing levels of service, and not to fund existing levels of service.

SECTION 4. No provision of this Act may be changed except to further its purpose by a bill passed by a vote of two-thirds of the membership of both houses of the Legislature and signed by the Governor.

SECTION 5. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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